

Docket No.: 3368/1D888US1

DECLARATION AND POWER OF ATTORNEY
(Continuation-In-Part Application)

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OFFICE OF PETITIONS

As a below named inventor, I declare that:

1. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATO-CELLULAR CARCINOMA IN MOUSE REPOPULATED LIVERS

which is described and claimed in:

- ☐ the attached specification or
- ☒ the specification in application
Serial No. 09/344,189
Filed: June 24, 1999
(for declaration not accompanying application);

2. This application in part discloses and claims new subject matter as well as subject matter disclosed in my earlier-filed application(s)

Serial No. 09/156,892
Filed: September 18, 1998
For: CHRONIC HEPATITIS VIRUS INFECTION AND
CLONAL HEPATOCELLULAR CARCINOMA IN
MOUSE REPOPULATED LIVERS

3. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.

4. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.

5. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our

invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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6. As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than

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twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
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POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #26,936, Melvin C. Garner #26,272, Ethan Horwitz #27,646, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaffer #31,194, Robert C. Sullivan, Jr. #30,499, Ira J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

DIRECT TELEPHONE CALLS TO:

Mitchell Bernstein

212-527-7708

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FULL NAME AND RESIDENCE OF INVENTOR 1

LAST NAME: ROGLER FIRST NAME: Charles MIDDLE NAME: E.
CITY: ~~Hawthorne~~ STATE OR FOREIGN COUNTRY: New York COUNTRY OF CITIZENSHIP: USA
~~Carmel~~
POST OFFICE ADDRESS: ~~525 Warren Avenue~~ CITY: ~~Hawthorne~~ STATE OR COUNTRY: New York ZIP CODE: ~~10592~~

42 Blossom Lane Carmel

10512

FULL NAME AND RESIDENCE OF INVENTOR 2

LAST NAME: PETERSEN FIRST NAME: Joerg MIDDLE NAME:
CITY: STATE OR FOREIGN COUNTRY: Germany COUNTRY OF CITIZENSHIP: Germany
POST OFFICE ADDRESS: CITY: STATE OR COUNTRY: Germany ZIP CODE:

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:


Charles E. ROGLER

DATED: 3/7/2001

SIGNATURE OF INVENTOR 2:


Joerg PETERSEN

DATED: February 16, 2001

CERTIFICATE OF MAILING

I hereby certify that this paper or, if this paper is a transmittal letter, every other paper or fee referred to therein, is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner of Patents & Trademarks, Washington, DC 20231, on

(Date of Deposit)

Name

Date

U.S. PATENT & TRADEMARK OFFICE
MAR 12 2001

EXPRESS MAIL CERTIFICATE

Date 3-12-01 Label No. EL706723329 us
I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Gikarasi
Name (Print)

J. Karasi
Signature

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles ROGLER

Serial No.: 09/344,189

Art Unit: 1632

Filed: JUNE 24, 1999

Examiner: P. Paras, Jr.

For: **CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR CARCINOMA IN MOUSE REPOPULATED WITH LIVERS**

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MAR 15 2001
OFFICE OF PETITIONS

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

STATEMENT OF JOERG PETERSEN UNDER 37 C.F.R. §1.48(a)

Sir:

I, JOERG PETERSEN, declare and state that:

1. I was not named as an original inventor at the time the above-identified application was filed in the United States Patent and Trademark Office, through error without any deceptive intent on my part.

2. I am an inventor of at least one of the pending claims in the application.

3. The actual inventors of the invention claimed in the application are (1) Charles E. Rogler, 525 Warren Avenue, Hawthorne, New York, 10532; and (2) Joerg Petersen, Hamburg, GERMANY.

February 16, 2001
Date

Joerg Petersen
Joerg Petersen

ASSIGNMENT

I, **Joerg PETERSEN**, a citizen of GERMANY, residing at
(hereinafter called "ASSIGNORS") in consideration of the sum of One Dollar (\$1.00) or the
equivalent thereof, and other good and valuable consideration, receipt of which is hereby
acknowledged, paid to US by

**Albert Einstein College of Medicine of Yeshiva University,
a division of Yeshiva University**

a corporation organized under the laws of , located at 1300 Morris Park Avenue, Bronx,
New York 10461, (hereinafter called the "ASSIGNEE"), do hereby sell and assign to said
ASSIGNEE, its successors and assigns, all my right, title and interest,

☐ in and for the United States of America,

☒ throughout the world,

in and to his/her invention entitled:

**CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL
HEPATOCELLULAR CARCINOMA IN MOUSE
REPOPULATED LIVERS**

invented by him/her and described in

☐ the application executed on

☒ Application Serial No. **09/344,189**, filed **June 24, 1999**

for the United States Letters Patent therefor, and all divisions, reissues, continuations
thereof, the said interest being

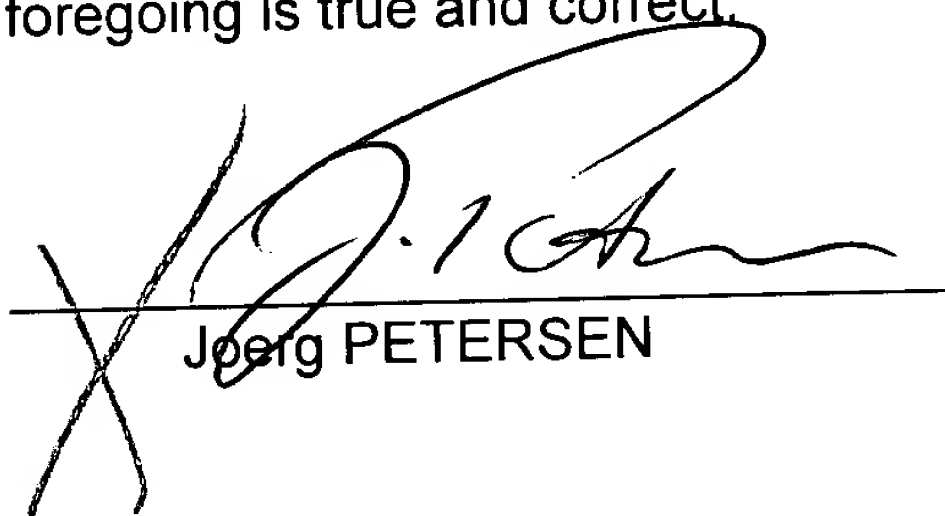
☒ the entire ownership interest

☐ an undivided partial ownership interest
in said Letters Patent when granted, to be held and enjoyed by said ASSIGNEE, its
successors, assigns or other legal representatives, to the full end of the term for which said
Letters patent may be granted, as fully and entirely as the same would have been held and
enjoyed by said ASSIGNORS if this assignment and sale had not been made;

And ASSIGNORS hereby agree to sign and execute any further documents or instruments which may be necessary, lawful, and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal or reissue applications, or in any amendment, extension, or interference proceedings, or otherwise to secure the title thereto in said ASSIGNEE;

And the said ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

We declare under penalty of perjury under the laws of the United States of America that we have signed this document as our own free act and that all of the foregoing is true and correct.


Joerg PETERSEN

DATED: 